

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: August 27, 2010

S.D.N.Y. – N.Y.C.
93-cr-181
Pauley, J.

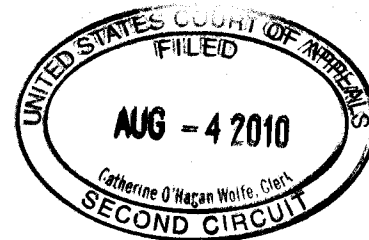
MANDATE

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 4th day of August, two thousand ten,

Present:

Dennis Jacobs,
Chief Judge,
José A. Cabranes,
Peter W. Hall,
Circuit Judges.



United States of America,

Appellee,

v.

09-3077-cr

Mohammed A. Saleh,

Defendant-Appellant.

Robert J. Boyle, counsel for Appellant, Mohammed A. Saleh, moves for permission to withdraw as counsel pursuant to *Anders v. California*, 386 U.S. 738 (1967), and the Government moves for summary affirmance of the district court's denial of Appellant's 18 U.S.C. § 3582 motion. Upon due consideration, it is hereby ORDERED that the motions are GRANTED, because the district court properly determined that Appellant was ineligible for a reduction of his sentence under § 3582, as Amendment 591 to the Sentencing Guidelines had no effect on his Guidelines range. See *United States v. Martinez*, 572 F.3d 82, 84 (2d Cir. 2009) (if an amendment to the Guidelines would not affect a defendant's Guidelines range, he is ineligible for a reduction under 18 U.S.C. § 3582).

A True Copy

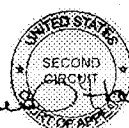
Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

Catherine O'Hagan Wolfe



MANDATE ISSUED ON 08/27/2010

Catherine O'Hagan Wolfe